

**WILLIAMSBURG PLANNING COMMISSION  
MINUTES  
Wednesday, November 20, 2002**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, November 20, 2002, at 3:30 p.m. in the Council Chambers at the Stryker Building.

**CALL TO ORDER and ATTENDANCE**

Chairman Davis called the meeting to order. Present in addition to Mrs. Davis were Commissioners Smith, Freiling, Hertzler, Young and Friend. Also present were Planning Director Nester, City Attorney Phillips, Zoning Administrator Murphy and Secretary Scott.

**MINUTES**

Mr. Young moved that the minutes of the October 16, 2002 regular meeting be approved as submitted. The motion carried by roll call vote of 6-0.

**CONSENT AGENDA**

There were no cases on the consent agenda this month.

**PUBLIC HEARINGS**

**PCR #14-02: Request of Williamsburg Presbyterian Church, 215 Richmond Road, for a special use permit for a new sanctuary, expanding capacity from 275 to 500 seats. The property is zoned Downtown Residential District RDT. The Commission recommended approval with conditions by a vote of 6-0.**

Mr. Nester reviewed the memorandum dated November 13, 2002 in which it is noted that this proposal replaces the one City Council approved as a special use permit on May 14, 1998, which increased seating capacity to 540 seats. This proposal is 40 seats less than the original proposal. Mr. Nester said the proposal meets the parking requirement of one space for each ten seats, but raises the issue of how the increased parking need will work in the downtown area. Under construction is the 360 space Prince George Parking Garage, bringing the grand total of available parking spaces in the area to 959 spaces for three churches. Although during peak times parking in areas other than those closest to the church will be necessary, there will be adequate spaces in the area. Mr. Nester concluded his comments by noting the reasons for the recommendation for approval:

1. The Comprehensive Plan designates the area as Mixed Use land use.
2. The proposal meets the intent of the Downtown Residential District RDT that "...is established to promote harmonious development and redevelopment in the

downtown residential areas adjacent to the Colonial Williamsburg district and the College of William and Mary.”

3. The conceptual design of the new sanctuary has been approved by the Architectural Review Board.
4. Variances and special exceptions for setback and side yard requirements have been granted by the Board of Zoning Appeals.
5. The parking license agreement with the College of William and Mary, combined with the parking on the Church's property, meets the Zoning Ordinance requirement for parking.
6. There is adequate additional parking available within a reasonable distance of the Church.

Commission discussion included the following points:

- Parking for Sundays seems to be covered. What about other church events? Mr. Nester responded that generally this has worked out when the need arises; area churches have taken such events into consideration.
- Parking license agreement with the College of William and Mary is on record.

Chairman Davis opened the public hearing.

William A. Thompson, Jr., Thompson and Wright, Architects, Ltd., 1007 Lafayette Street and 536 Summit Ridge Drive in Chesapeake, architect for the project, said that he is here today to answer any questions the Commission might have. He added that the parking agreement with the College permits parking on College property during off hours and there has not been a problem in this regard. In response to Mr. Freiling's query as to whether the number of services offered will be reduced, Mr. Thompson stated that with the church's continuing growth in attendance, there is no reduction in the number of services planned.

There being no additional comment the public hearing was closed.

Mr. Nester noted that the parking license agreement with the College states an agreement of five years advanced notice in writing if there is a plan to change the document. Mrs. Davis said that parking was a primary concern when the previous proposal was submitted, but she has talked with a number of church members and they recognize there are other parking locations nearby.

Mr. Friend moved that the Planning Commission recommend to City Council that a special use permit be approved to allow the Williamsburg Presbyterian Church to build a new sanctuary, expanding capacity from 275 to 500 seats, in accordance with the submitted site plan, in accordance with the parking license agreement with the College of William and Mary (recorded in Deed Book 89, pages 99 to 104), and contingent upon final site plan approval by Planning Commission.

Mr. Young seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye:	Smith, Young, Freiling, Hertzler, Friend, Davis
No:	None
Absent:	None

## **OPEN FORUM**

Chairman Davis opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

There being no comment the Open Forum portion of the meeting was closed.

## **SITE PLANS AND SUBDIVISIONS**

**PCR #09-02: Request of Philip Richardson to create a 0.978-acre parcel on Patriot Lane beside the entrance to Westgate Condominiums. It is proposed to use this lot to provide parking for the Holiday Inn Patriot (see SPR #16-02), which is located on the opposite side of Patriot Lane. The Commission approved the subdivision plat with conditions by a vote of 6-0.**

Mr. Nester reviewed the memorandum dated November 15, 2002 in which it is noted that the request meets the Zoning Ordinance requirements for open space (the requirement is at least 50% open space on the parcel and the open space provided is 53.87%).

**SPR #16-02: Holiday Inn Patriot Overflow Parking Lot, 131 Patriot Lane - 53 spaces. The Commission approved the site plan with conditions by a vote of 6-0.**

Mrs. Murphy reviewed the memorandum dated November 15, 2002 in which it is noted that the parking lot is proposed to the right of the entrance into Westgate Condominiums and behind Ethan Allen and Lenox.

Discussion points included:

- There is no buffer requirement for this location, however the existing green space is already pretty heavily landscaped.
- The lot proposed for overflow parking was not included in Westgate's original approval, but was indicated for possible future lease.
- BZA approval was granted after review and confirmation that the request met all requirements.
- Picture of existing trees was shown with note that additional trees are to be planted.

Chairman Davis stated that although this is not a public hearing for this case, there is a request to speak from a representative of Westgate Condominiums.

Andrew G. Elmore, with the firm Chadwick, Washington, Olters, Moriarty and Lynn, P.C.; 100 Concourse Boulevard, Suite 106; Glen Allen, Virginia 23059-5642, representing the Westgate at Williamsburg Condominium Association, Inc., stated that it appears that Philip Richardson does not have clear title to the property and a claim has been filed today in Circuit Court disputing title and requesting resolution. Mr. Elmore said the impact of the proposed parking lot on the residents, noise, pollution, retirees' investments, needs to be considered. At the time of sale, owners were led to believe that their entrance would remain a green space; the impact of a 53-space parking lot on resale value needs to be considered.

Chairman Davis noted that lawsuits do not influence this board; the suit is separate from the request before the Planning Commission.

Vernon Geddy, III, representing Phil Richardson, said that Mr. Richardson sold the entire parcel of land, but included an option to buy back a portion of the property as part of the agreement. Mr. Geddy added that the deed has been delivered to him and is a good conveyance, although it is not yet recorded. He noted that Mr. Richardson is not the developer, the site is zoned for commercial use, and something far worse could go there by right.

City Attorney Phillips stated that a couple of issues have been raised that do not go to the heart of the case as far as this board is concerned:

- Aesthetic values. The case was before the BZA and the decision was made by that board and is not in the purview of the Commission.
- The use proposed is one that meets the ordinance requirements. Property ownership is not an issue to be determined by the Commission.

The City of Williamsburg and the Planning Commission is required to recognize the deed's existence and if the court determines it is not valid, the issue will need to be revisited. The property owners could request the court to enjoin development of the property until the court rules.

Mr. Young moved that Planning Commission approve PCR #09-02, the subdivision plat, as proposed, contingent upon the recordation of the revised stormwater management agreement.

Mr. Friend seconded the motion which carried by roll call vote of 6-0.

Mr. Freiling stated that although he has a professional relationship with the applicant, it is in no way related to the issue or business before the Commission, and he can exert independent judgment.

Recorded vote on the motion:

Aye:	Smith, Young, Freiling, Hertzler, Friend, Davis
No:	None
Absent:	None

Mr. Friend moved that the Commission approve the site plan, SPR #16-02, contingent upon the following:

1. A land-disturbing permit must be obtained prior to the start of construction.
2. The revised stormwater management agreement must be recorded prior to the start of construction.

Mr. Young seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye:	Smith, Young, Freiling, Hertzler, Friend, Davis
No:	None
Absent:	None

**OLD BUSINESS** – None

**NEW BUSINESS** – None

**OTHER**

**Report on Prince George Parking Garage archeological study by Marley Brown and Jamison Harwood**

Messrs. Marley Brown and Jamison Harwood, from the Colonial Williamsburg Foundation and working on the archeological study for the Garage, presented their findings to the Commission and audience. They commented that it has been a magnificent dig to be a part of. Information gleaned from the study will be used in the interpretive program as well as the recreation of a saw house.

Mr. Friend thanked the project archeologists and said that he had been aware of the history of the block and feared it might be lost, but Colonial Williamsburg has done a splendid job of preserving and acknowledging the site's history.

It was suggested that a plaque be placed at the site noting its historical significance, and Mr. Brown said that probably some type of acknowledgment would be installed on site. He added that they have learned a lot about architecture from the study and appreciate the opportunity for the dig.

**2003 Meeting Schedules**

2003 Meeting Schedules were included in Commissioner's packets.

**Election of Second Vice-Chairman**

With Billy Scruggs' appointment to City Council, and his subsequent resignation from Planning Commission, Paul Freiling has moved from Second to First Vice-Chairman, in accordance with the Commission's Bylaws.

This leaves the position of Second Vice-Chairman vacant. The Bylaws state that a replacement shall be selected at the next regular Planning Commission meeting.

Mr. Freiling nominated Commissioner Friend for Second Vice-Chairman. Mrs. Smith seconded the nomination. There were no other nominations, and Mr. Friend was elected to the position of Planning Commission Second Vice-Chairman by roll call vote of 5-0-1.

Recorded vote on the motion:

Aye:	Smith, Young, Freiling, Hertzler, Davis
No:	None
Abstain:	Friend
Absent:	None

### **Beautification Advisory Committee Appointment**

Terms of service on the Beautification Advisory Committee for both Marty Mathes, the College of William and Mary representative, and Gordon Chappell, the Colonial Williamsburg Foundation representative, expire on December 31, 2002. John McFarlane from the College and Laura Viancour from the Foundation have expressed interest in serving and have been endorsed by the Committee.

Mr. Freiling moved that the Planning Commission appoint John McFarlane and Laura Viancour to the Beautification Advisory Committee for three-year terms, which will expire on December 31, 2005. Mr. Friend seconded the motion which carried by roll call vote of 6-0.

### **INFORMATION ITEMS**

- Report from City Council
- Planning Department Monthly Report
- Monthly Financial Statement

### **PUBLIC HEARINGS SCHEDULED FOR DECEMBER 18, 2002 - None**

The meeting adjourned at 4:50 p.m.

Marguerite Davis, Chairman  
Williamsburg Planning Commission